

HOUSE BILL 1184

By Floyd

AN ACT to amend Tennessee Code Annotated, Section 40-32-101, relative to destruction of certain records of certain persons arrested or charged within this state for committing a misdemeanor offense while engaged in protesting or challenging the legalization or performance of abortion procedures.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following language as a new, appropriately designated subsection:

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(1) All public records of a person who has been arrested or charged within this state for committing a misdemeanor offense while engaged in protesting or challenging the legalization or performance of abortion procedures shall, upon petition by that person to the court having jurisdiction in the previous action, be removed and destroyed without cost to the person, if:

- (A) The charge has been dismissed;
- (B) The court entered a nolle prosequi in the case;
- (C) A no true bill was returned by a grand jury;
- (D) A mistrial was declared or a verdict of not guilty was returned;
- (E) The person was arrested and released, without being

charged; or

(F)

(i) Eight (8) years or more have elapsed since the date of conviction for the misdemeanor offense being expunged and the

petitioner has not been convicted of any other offense, excluding minor traffic violations, during such period of time; and

(ii) The district attorney general is served a copy of the petition for expungement by certified mail, return receipt requested, and such district attorney general does not file an objection with the court within twenty (20) calendar days of receipt of such petition.

(2) All public records of a person required to post bond under the provisions of § 38-3-109 shall be removed and destroyed as required by this subsection upon the expiration of any bond required, if no surety on the bond is required to fulfill the obligations of the bond.

(3) For purposes of this subsection, "court" also includes any court exercising juvenile jurisdiction.

(4) If the person arrested is deceased, then the petition may be filed by a person who is able to establish legal authority to act on the behalf of such deceased person.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.